SUPREME COURT OF THE UNITED STATES.

No. ~~230.~~ 162.

THE UNITED STATES, APP'TS,

vs.

MARIA ANTONIO APIS AND OTHERS, HEIRS-AT-LAW OF PABLO APIS, DECEASED.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

GOVERNMENT PRINTING OFFICE.

SUPREME COURT OF THE UNITED STATES

No. 230.

THE UNITED STATES, APP'TS,

vs.

MARIA ANTONIA APIS AND OTHERS, HEIRS-AT-LAW OF PABLO APIS, DECEASED.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"Temescal."

INDEX.

	Original.	Print.
Proceedings of board of commissioners	1	1
Petition	5	2
Deposition of Abel Stearns	6	2
" H. Reid	7	3
Espediente	9	3
Translation	15	5
"H. H. No. 1," (grant)	19	7
Translation	21	8
Opinion	23	9
Decree	27	11
Certificate	29	11
Appeal	31	12
Affidavit	33	13
Substitution	34	13
Petition for review	35	14
Summons	36	15
Answer	38	16
Deposition of A. F. Coronel	39	16
" Juan Ramirez	43	18
Exhibit P	47	20
Translation	50	21
Decree	53	23
Appeal	55	24
Clerk's certificate	56	24

1 *Transcript of the proceedings in case No.* 435.

PABLO APIS, claimant,
vs.
THE UNITED STATES, defendant. } For the place named "Temescal."

2

3 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered that on this first day of November, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Pablo Apis, for the place named "Temecula," was presented, and ordered to be filed and docketed with No. 435, and is as follows, to wit:

(*Vide* page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *November 4th*, 1852.

In case No. 435, Pablo Apis, for the place named "Temecula," the deposition of Abel Stearns, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H. H. No. 1, and translation thereof annexed thereto, was filed.

(*Vide* page 4 of this transcript.)

In the same case, the deposition of Hugo Reid, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed.

(*Vide* page 5 of this transcript.)

SAN FRANCISCO, *Aug't* 19, 1853.

4 Case No. 435 (Pablo Apis) called; the counsel for the claimant read the evidence, argued, submitted, and taken under advisement.

SAN FRANCISCO, *November* 15, 1853.

In the same case, Commissioner Robert A. Thompson delivered the opinion of the board rejecting the claim.

(*Vide* page 17 of this transcript.)

5 *Petition.*

To the honorable the board of United States land commissioners appointed to settle private land claims in California:

The petition of Pablo Apis respectfully showeth that on or about the 7th day of May, A. D. 1845, Pio Pico, then governor of California, in the name of the Mexican nation, by virtue of the laws in force, the powers conferred upon him, the usages and customs of the country affecting grants of lands in California, granted in full property to your petitioner the lands your petitioner then occupied in the tract of Temecula, consisting of about one league in length and about one-half in breadth, including planting grounds and vines as described in the papers and maps relating to the grant of said tract of land; that a copy of said grant is herewith filed as part of this petition, and as soon as copies of the record of papers relating to this grant can be obtained from the archives now in the custody of the United States surveyor general for California, the same will be filed, by leave of your honorable board, as part of this petition. And your petitioner further shows that he has been in the peaceable and quiet possession of said tract of land ever since the date of said grant, and your petitioner is now in the peaceable and quiet possession of said lands. There is no conflicting claim thereto known to your petitioner. The said lands have not been surveyed by the United States surveyor general for California.

The evidence upon which your petitioner relies in this case are the records of this grant, papers and maps in the office and custody of the United States surveyor general for California, original papers in the possession of your petitioner relating to said grant of land, and the testimony of witnesses to be produced before your honorable board.

Respectfully submitted for such action as the justice and nature of the claim may require.

E. O. CROSBY,
Of Counsel for Claimant.

Filed in office Nov. 1, 1852.

GEO. FISHER, *Sec'y.*

6 *Deposition of Abel Stearns.*

LOS ANGELES, *Nov. 14th*, 1852.

On this day, before Commissioner H. Hall, came Abel Stearns, a witness in behalf of the claimant, Pablo Apis, petition No. 435, and was duly sworn, his evidence being given in English.

The United States associate law agent was present.

In answer to inquiries by counsel for the claimant the witness testified as follows:

My name is Abel Stearns; my age is fifty-four years, and I reside in Los Angeles. I have resided in California over twenty-three years. I am acquainted with the handwriting and signatures of Pio Pico and Juan Bandini. A paper is now shown me, purporting to be a grant of land of about one league long by half a league wide, dated May 7,

1845. The signatures of said Pico and Bandini, on said paper I believe to be genuine. Said paper is hereto annexed and marked H. H. No. 1. I know the land mentioned in the foregoing paper; it is situated six leagues or more from the mission of San Luis Rey, in the county of San Diego. It is northerly from the mission. I was on the land last year; Apis was then occupying the land; he had two houses on it, and he was living there. He had a stock of cattle and sheep and some horses and had been gathering crops.

ABEL STEARNS.

Sworn and subscribed before me.

HILAND HALL, *Commissioner.*

Filed in office November 4, 1852.

GEO. FISHER, *Secretary.*

7 *Deposition of Hugo Reid.*

LOS ANGELES, *Nov. 4th*, 1852.

On this day, before Com'r H. Hall, came Hugo Reid, a witness in behalf of the claimant, Pablo Apis, petition No. 435, and was duly sworn, his evidence being given in English.

In answer to inquiries by counsel for the claimant the witness testified as follows:

My name is Hugo Reid; my age is forty-one, and I reside at San Gabriel, in the county of Los Angeles. I have lived in California nineteen years. I am acquainted with the rancho called Temescal. It is about seven leagues from San Luis Rey, in a northerly direction, in the county of San Diego. It is ten or twelve years since I knew Pablo Apis to be occupying the land. He had a house on it at that time, in which he lived, and he has resided on the place to the present time, another house having been built since that in which he first lived in. He has cultivated part of the land, and has had stocks of cattle, sheep, and horses on it.

HUGO REID.

Sworn and subscribed before me.

HILAND HALL, *Com'r.*

Filed in office Nov. 4th, 1852.

GEO. FISHER, *Sec'y.*

8

9 1.—S. D. K.—1845.

Espediente promovido por Pablo Apis natural de S'n Luis Rey en pretencion de un terreno en el paraje de Temecula.

448.

10 2.—S. D. K.

EX'MO S'R: Por decrete de V. E. de Junio 28 pa. po. comparecè ante

el R. P. ministro frey José Maria Zalbidia y mayordomo Dn. José Joaquin Ortega à que haverusemos en la cuestion que mediaba entre Andres y Josè Manuel su Cuñado y haviendome comedido el R. P. ministro un terreno suficiente por el sorten de mi familia, en el rancho de Temescal convine en retirar toda cuestion contra Andres y su Cuñada dejandoles en legitimo posecion del parage que cuestionabamos que dando con esto en todo conformes unplorando umcamte. a la clemencia de V. E., se digne estenderme la legitimidad é propriedad del terreno de que he sido agraciado por la micion como consta por documento fha 9 del presente mes ql. tengo en mi poder formado por el R. P. ministro actual y mayordomo de la misma. Por tanto A. V. E. suplico rendidam^te^ se sirba admitir este en papel comun por falta del sellado correspondiente protestando no ser de malicia y lo necessario, etc.

ANG. *Abril* 28 *de* 1845. Ynforme el sor adm de la micion dec Luis Rey cual es la demarcacion del terreno que pretende el suplicante y le fue señalado por el mismo segun consta por el adjunto documento de g de Julio de 1843.
PICO.

MICION DE S'N LUIS REY, *Julio* 10 *de* 1843.

ADMINISTRACION DE SAN LUIS REY,
Angeles, Abril 30 *de* 1845.

El terreno que se le angno al Indigena Pablo Apis por disposicion del R. P. ministro actual de la micion de San Luis Rey, por avenumiento que tubo con el de su clase llamado Andres y José Manuel Cuñado del mismo es poco mas ó menos de quinientos varas de largo y como ciento cincuenta de ancho para sus labores y para sus bienes una legua menos que mas, y como media de ancho para pasturas de sus bienes semovientes, todo esta lo fue concedido en el rancho de Temecula habiendole conformado el solicitante con aquella gracia q'l la micion le hizo como neofita de ellas habiendole hecha ver q'l, solicitase de V. E.l a aprovacion de la legitimidad de aquel terreno que se le aseguo. Es cuanto puedo informar a consecuencia del sup'r decreto que antecede.

11

JOSE JOAQ'N ORTEGA.

4.—S. D. K.

ANGELES, *Mayo* 7 *de* 1845.

Considerando el gobierno de justicia, que el Indigena de la mision de San Luis Rey, Pablo Apis, tenga la propiedad del terreno que se les concedio provicionalmente en Julio de 1843, en Temecula librese el titulo correspond'te para que se le asegure como lo pide la parte.

PICO.

5.—S. D. K.

Representaciones de los Indigenas.

12 6.—S. D. K. 7.—S. D. K.

F. José Maria Zalcida, ministro actual de la micion de San Luis Rey:

Por cuanto Pablo Apis ha solicitado de esta micion una tuerte de tierra ql. pueda cultivar para el sosten de su crenda familia y en donde poder tener sus bienes somobientes y atendiendo á su suplica buenos servicios q'l ha dado á esta mision desde su fundacion, y honrades con q'l se ha, dirigido asi el como sus hijos le agracia la micion con d'ha terreno, el q'l le ha sido demarcado en el rancho de Temecula por el mayordomo actual de la micion, Dn. José Joaquin Ortega quedando asi mismo dueno de ciento cuarenta se pas q'l existen en la tierra q'l se le ha demarcado des de este, vez en legitimo posecion; sin dejar de solicitar del sup'r gobierno departmental, la legitimidad ó propiedad en lo q'l se le ha agraciado; serbiendale este de documento para q'l no sea perjudicardo por nadie y se le cultivo comp propio con entera libertad.

Micion de S. Luis Rey, Julio 9, '843.

F. JOSE MA. DE ZALCIDA.
JOSE JOAQ'N ORTEGA,
Como. Mayordomo

Queda tomada razon de este titulo en el libro respectivo.

13 OFFIC OF SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and, as such, having in my possession and under my charge and control a portion of the archives of the former Spanish and Mexican territory of Upper California, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper, numbered from one to seven inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file and forming part of the archives in this office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, (not having a seal of office,) at the city of San Francisco, this 27th day of October, 1852.

[SEAL.]

SAM'I D. KING,
Surv. Gen'l, Cal'a.

14

15 *Translation.—Exhibit No.* 2.

1845. *Record of proceedin*

At the instance of Pablo Apis, a native of San Luis Rey, in solicitation of a tract of land in the location of Temecula.

448.

EXCELLENT SIR: By your excellency's decree of 28th of June last past, I appeared before the reverend father minister, Fra. José Maria de Zalbidea and superintendent José Joaquin Ortega, that we should come to terms on the question which interceded between Andres and

Manuel, his brother-in-law, and the R. F. minister having granted me a tract of land sufficient for the sustenance of my increased family in the rancho of Temecula, I agreed to withdraw every question against Andres and his brother-in-law, leaving them in legitimate possession of the location which was disputed about, continuing in this in all conformity, only imploring your excellency's clemency to be pleased to issue to me the legitimacy or ownership of the land with which I have been granted by the mission, as is shown by the document dated 9th of the present month, which I have in my possession, signed by the R. Fa. acting minister or superintendent of the same.

Therefore, I humbly pray your excellency to be pleased to admit this on common paper for want of the corresponding stamped paper, assuring that there is no malice herein, and what else is necessary, &c.

Mission San Luis Rey, July 10, 1843.

(Signed) PABLO APIS.

16 In the margin:

ANG., *April 28th*, 1845.

The administrator of the mission of San Luis Rey will report which is the demarcation of the land that the petitioner solicits and was assigned to him by the same, as is shown by the adjoined covenant of 9th July, 1843.

(Signed) PICO.

Administration of San Luis Rey.

ANGELES, *April 30th*, 1845.

The land which was assigned to the native, Pablo Apis, by disposition of the R. Fa. acting minister of the mission of San Luis Rey, by covenant which he had with one of his own class, called Andres and José Manuel, brothers-in-law of the same, is a little more or less than 500 varas in length and about 150 varas in breadth, for his husbandry and for his stock, one league, rather more and about one-half in breadth, for pastures to his moveable stock, all of which he was granted on the rancho of Temecula, the petitioner having conformed with that favor which the mission made him as a convert of it, having made him understand that he should solicit of your excellency of that land which was assigned to him. This is all I can report in consequeuce of the foregoing decree.

(Signed) JOSÉ JOAQUIN ORTEGA.

ANGELES, *Mayo 7th*, 1845

The government considering it just that the native of the mission of San Luis Rey may have the ownership of the land which was
17 granted to him provisionally, in July, 1843, in Temecula, let the corresponding title deed be issued, that it may be secured him as he asks for.

(Signed) PICO.

To D. José Maria Valadea, acting minister of the mission of San Luis Rey:

Whereas Pablo Apis has solicited of this missiona lot of land, which he might cultivate for the sustenance of his increased family, and on which he can have his moveables, and attending to his prayer, and considering the good services which he has done to this mission since its formation, and the honesty which both he and his son have shown the mission, grants him with said land, which has been marked out o him in the rancho of Temecula, by the acting superintendent of the mission Don José Joaquin Ortega, remaining likewise owner of 150 stocks of vines, which exist on the land that has been marked out to him, from this time in legitimate possession, without leaving to solicit of the superior departmental government the legitimacy or ownership in which he has been granted, thus serving him as a document that he be not prejudiced by anybody, and that he may cultivate it as his own with entire liberty.

Mission of San Luis Rey, July 9th, 1843.

(Signed) Fra. JOSE MA. DE ZALCIDA.

(Signed) JOSE JOAQUIN ORTEGA,
As Superintendent.

This title deed has been entered in the respective book.

Filed in office August 8th, 1853.

GEO. FISHER, *Sec'y.*

19 *Doc. H. H. No.* 1, *annexed to the depo. of Abel Stearns.*

Pio Pico, primer vocal de la exma. asamblea departmental y gobernador interino del departamento:

Por cuanto Publo Apis, Yndegena de la micion de San Luis Rey ha hecho constar que con el and de 1840, se le concedio en el parage de Temecula una porcion de terreno constante de como una legua de largo por media de aucho inclusive las tierras de labor que ocupa y algunas parras en esta, practicadas no obstante las deligencias y averiguaciones necesarias segun lo dispuesto por las leyes usando de las facultades que me son conferidas a nombre de la nacion Mejicana en asegurarle por las presentes letras la propiedad del terreno mencionado bajo las condiciones siguientes.

1a. El interesado se presentara al administrador de la micion de San Luis Rey para que le de la posecion del terreno señalado con anterioridad lo hara medir y fijar los linderos respectivos.

2o. El agraciado y sus herederos lo disfrutaran libre y esclusivamente destinandolo al uso y aprovechemento que mas le convenga.

En su consecuencia tomare razon de este despacho en el libro respectivo y entreguese al interesado para su seguridad y demas fines.
Ciudad de Los Angeles y Mayo 7 de 1845.

PIO PICO.
JUAN BANDINI, *Secreio.*

Queda tomada razon de este sup'r despacho en el libro respectivo. F'ha ut supra.

BANDINI.

20 STATE OF CALIFORNIA,
County of San Diego:

On this seventeenth day of January, A. D. 1851, personally appeared before me, recorder in and for the said county, Juan Bandini, a competent and credible witness, by me duly sworn, who states on oath that he personally knew the person whose name is subscribed to the annexed instrument as a party; that he well knew his signature, and was also aware of the fact of said instrument being executed in favor of the said Pablo Apis; and further, that he, the said Bandini, was, at the time said instrument was executed, secretary for said Pio Pico, governor interim of the Territory of Alta California, and signed himself thereto as such secretary, and believes the name of the person subscribed thereto as a party was subscribed by such person.

H. C. HAKELL, [SEAL.]
Recorder.

Rec'd for record January 14th, A. D. 1851, at 10 a. m., and registered January 14th, A. D. 1851, 10 o'c. a. m. in book of records, liber 6, pages 221 and 222.

H. C. HAEKELL, *Recorder.*

Filed in office Nov. 4th, 1852.

GEO. FISHER, *Sec'y.*

21 EXHIBIT B.

Translation.—Grant.—Doc. H. H. No. 1, *annexed to the depo. of Abel Stearns.*

Pio Pico, senior member of the most excellent departmental assembly and governor ad interim of the department:

Whereas Pablo Apis, an Indian of the mission of San Luis Rey, has made proof that in the year 1840 there was granted to him, in the tract of Temecula, a lot of land consisting of about one league in length and one-half in breadth, including the planting grounds which he occupies, and some vines on the same, the necessary proceedings and investigations having nevertheless been taken according to the provisions of the laws. In the exercise of the powers conferred on me, in the name of the Mexican nation I have come to confirm to him by the present letters the ownership of the aforesaid land under the following conditions:

1st. The party in interest shall present himself to the administrator of the mission of San Luis Rey, that the letter may give him the

possession of the land before set forth; will cause it to be measured and the respective landmarks to be fixed.

2. The grantee and his heirs shall enjoy the same freely and exclusively, devoting it to the use and improvement which best may behoove him.

Wherefore let this patent be entered of record in the proper book and delivered to the party in interest for his security and other purposes.

City of Los Angeles, May 7, 1845.

PIO PICO.
JUAN BANDINI, *Secretary.*

This superior patent is entered of record in the approximate book. (Same date.) BANDINI.

Filed in office Nov. 7, 1852.

GEO. FISHER, *Sec'y.*

22

23 *Opinion by R. Aug. Thompson.*

No. 435.

PABLO APIS *vs.* THE UNITED STATES. } "Temecula."

This claim is for a half league of land in the county of San Diego, and is founded on a grant made by Gov. Pio Pico on the 7th of May, 1845, to the claimant, Pablo Apis, a civilized Indian of the mission of San Luis Rey. The espediente filed in the case shews that on the 9th day of July, 1843, a provisional grant of the land claimed was made to the claimant, signed by the rev'd father minister of the mission, Fra. José Ma de Zalcida and José Joaquin Ortega, as superintendent, in which he is required to obtain from the superior departmental government the legitimacy or ownership of the land granted him. On the day following, July 10th, 1843, the claimant presented his petition for the confirmation or legitamacy of his grant. This petition does not appear to have been acted on until the 28th of April, 1845, at which time Pio Pico, then acting governor of the Territory, by a marginal decree, directs the administrator of the mission to report the demarcation of the land which was assigned the petitioner, and on the 30th of the same month José Joaquin Ortega reports the land to be a little more or less than 500 varas in length, and 150 varas in breadth, for his husbandry, and for his stock one league, rather more, and about half a league in breadth, all of which was granted him in the rancho of Temecula. In the provisional grant of July the 9th, 1843, the land is described as that which has been marked out to him in the rancho of Temecula by the acting superintendant of the mission Don José Joaquin Ortega. On the 7th of May, 1845, Gov. Pio Pico
24 issues the formal grant conferring on the claimant the ownership of the land, describing it as a lot of land in the tract of

Temecula, consisting of about one league in length and one-half in breadth, including the planting ground which he occupies, and some vines on the same. The above embraces all the description of the land claimed, which is contained in the documentary evidence filed in the case The evidence of Abel Stearns proves the signatures, their genuineness, of Pio Pico and Juan Bandini to the original grant, and that in the year 1851 the claimant was living on and occupying the land; he had two houses on it, a stock of cattle and sheep, and some horses, and, at the time witness saw it, had been gathering some crops.

Hugo Reid proves the land is situated about seven leagues from San Luis Rey, in a northerly direction, in the county of San Diego; that he had known the claimant to be in the occupancy of the land for ten or twelve years; that he had a house on it and was living in it when he first knew it, and that he has lived there ever since, having built another house.

He has cultivated part of the land, and had on it stocks of cattle, sheep, and horses. This constitutes the whole evidence in the case, and according to the principles settled by the board in other cases, there would be no difficulty in entering a decree of confirmation had there been any proof by which the particular parcel of land granted could be identified and its boundaries established. A single glance at the testimony will be sufficient to show the total absence of any such proof. The grant is for a half a league of land within the rancho or tract called Temecula, being about one league in length, and half a league in breadth; but neither the grant itself nor any of the testimony in the case, furnishes the least evidence to show in what part of Temecula the land is situated, or what particular portion of the tract known by that name was intended to be granted. It is true the provisional title of the 9th of July, 1843, declares that the land had been marked out to the grantee, and hence a presumption might arise that the claimant held by the boundaries then established; but this board cannot act on presumptions and references so vague and uncertain as this; there must be something tangible and definite for the board to confirm, and some certain data furnished by which the surveyor general can, in the discharge of the duty which the law imposes on him, designate and separate the land confirmed from the public domain. The only point of identification shown in the case, is the place of residence or portion actually cultivated by the claimant; this according to the evidence would form but a very small portion of the whole tract, and furnishes no guide by which the boundaries could be ascertained or the remainder identified. That point might be included, and yet very different lands be embraced in the boundaries, according to the direction in which the lines were run from it.

The case comes clearly within the rule laid down by the chief justice in the case of The United against King *et al.*, 3d Howard, 786, 787, and reaffirmed in Seample's case, 11th Howard, 127. The rejection of a claim like this, where the evidence carries a strong presumption of its validity, but is, nevertheless, deficient in a most material point, may appear to be a great hardship upon the claimant;

113

but it is impolitic for the board to change a rule which they
26 have laid down for their action in the discharge of the duties imposed upon them by the law, and one which is so strongly fortified by authority as that now under consideration, on account of the individual cases of hardship which may arise under its application. The regret, however, at being compelled to reject such a claim is greatly lessened by the fact that the law has provided another tribunal before which the party may appear and amend his proofs, and where the deficient testimony, if it exists, may be supplied.

The claimant having in this case wholly failed to identify the land claimed, or to establish any boundaries by which it could be surveyed and segregated from the public domain, according to the principles heretofore settled by the board, his claim must be rejected.

Filed in office Nov. 15, 1853.

27 *Decree.*

PABLO APIS
v.
THE UNITED STATES. } Case No. 435.—For the place called Temecula.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the petitioner is not valid, and it is therefore decreed that his application for a confirmation be denied.

ALPHEUS FELCH.
THOMPSON CAMPBELL.
R. AUG. THOMPSON.

Filed in office Nov. 15, 1853.

GEO. FISHER, *Sec'y.*

28

29 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle private land claims in the State of California, do hereby certify the foregoing twenty pages, numbered from 1 to 20, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 435 on the docket of the said board, wherein Pablo Apis is the claimant, against The United States, for the place known by the name of Temecula.

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this twenty-second day of August, A. D. 185–, and of
[SEAL.] the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sec'y.*

Filed August 30th, 1854.

W. H. CARTER, *Clerk.*

30

31 *Notice of appeal.*

Clerk's office of the district court of the United States for the Southern district of California.

Whereas the commissioners constituted for the purpose of ascertaining and settling private land claims in the State of California by the act of Congress of the U. S. of America, approved on the 3d of March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," did, on the fifteenth day of November, eighteen hundred fifty-three, by their decision of that date, decide against the claim presented by the undersigned to the said commissioners, which claim is for land lying in the said southern district, and is number four hundred and thirty-five on the docket of claims before said board, and the said claimant being desirous that the said district court should review the said decision, now hereby files this notice in the said clerk's office of his intention to prosecute an appeal, as is provided by the 12th section of an act entitled "An act making appropriations for the civil and diplomatic expenses of the government for the year ending the 30th of June, 1853, and for other purposes," which said act was approved on the 31st of August, 1852.

PABLO APIS,
By E. O. CROSBY, *of Counsel.*

To the clerk of the U. S. district court of the southern district of California, 18th of January, 1854.

Filed Jan'y 24, 1854.

A. S. TAYLOR, *Cl'k.*

32 *Notice of appeal.*

LOS ANGELES, *Nov.* 18, 1854.

To the clerk of the southern dist. of the U. S. dist. court for California:

SIR: You will please take notice of the intention of the claimant, Pablo Apis, for one-half of a league square in Temecula, to prosecute the appeal from the decree of the U. S. land commission respecting the claim.

Respectfully yours,

HENRY HANCOCK,
Junior Att'y for Claimant.

To CAPT. EDW'D CARR.

Filed Nov. 18, 1854.

C. E. CARR, *Cl'k.*

33 *Affidavit of counsel for claim't for sub. of parties.*

In the United States district court for the southern dist. of Calif'a., December term, 1856. Before hon'l Isaac S. K. Ogier, U. S. dist. judge.

PABLO APIS, appellant, *ad.* THE UNITED STATES. } No. 55.

Henry Hancock, a resident of Los Angeles county, Cal'a, makes oath and states that Maria Antonio Apis, representing herself as a grand-daughter of the original grantee in this case, has retained him, the said Hancock, as attorney for herself and others in this cause before this honorable court; that from the best of his knowledge and belief the original grantee, Pablo Apis, as also his son, Pablo Apis, jr., and father of the said Maria Antonia, are dead; that there are several of his descendants, who properly inherit the land claimed in this case; among whom is the said Maria Antonia Apis, who is to him represented to be the most intelligent, and who seems to assume the sole direction of the affairs, both of her deceased father and grandfather.

HENRY HANCOCK.

Sworn and subscribed to before me this 19th February, 1857
C. SIMS, *Cl'k*,
Pr. J. H COLEMAN.

Filed this 19th February, 1857.
C. SIMS, *Cl'k*,
Pr. J. H. COLEMAN, *Deputy*.

34 *Motion for substitution.*

In the United States dist. court for the southern dist. of Cal'a. Before hon. Isaac S. K. Ogier. December term, 1856.

PABLO APIS, appellant, *ads.* THE UNITED STATES, appellee. } No. 55.

Now comes Maria Antonia Apis, grand-daughter of the appellant in the above-entitled cause, by her attorney, and moves this honorable court that this cause be reviewed in the name of the said Maria Antonia Apis and others, heirs-at-law of Pablo Apis, deceased.

HENRY HANCOCK,
Of Counsel for Claimant.

Filed this 19th February, 1857.
C. SIMS, *Cl'k*,
Pr. J. H. COLEMAN, *Deputy*.

Order of sub'n.

Whereupon the following order was had in open court, to wit:

United States district court, south'n dist. Cal'a.—Regular December term. 1856.

FEBRUARY 19TH, A. D. 1857.

PABLO APIS, appellant,
vs.
THE UNITED STATES, appellee. } No. 55.

35 Now, on this day, comes the parties aforesaid, by their respective attorneys—the appellants appearing by H. Hancock, esq., and the appellees by P. Ord, U. S. att'y.

Whereupon, on motion of appellants, and on showing to the court that Maria Antonia Apis and others are heirs-at-law of Pablo Apis, deceased:

It is ordered that this cause be revived in the name of Maria Antonia Apis and others, the said heirs of Pablo Apis, deceased.

Petition for review.

In the district court of the United States for the southern district of California.—Dec'r term, 1856.—Before Hon'l Isaac S. K. Ogier, U. S. dist. judge.

PABLO APIS, appellant,
ads.
THE UNITED STATES, appellee. } Doc. No. 55.—Trans. No. 435.

Your petitioner, Maria Antonia Apis, for herself and others, heirs-at-law of Pablo Apis, deceased, respectfully sheweth that on the 4th of Nov. 1852, a petition was presented to the board of United States land commissioners for ascertaining and settling private land claims in the State of California, claiming the lands in question in this case; that on the 15th day of November, 1853, the said commissioners made a decree rejecting the said claim; that the transcript of the proceedings of the said commissioners was duly filed in this honorable court, according to law, on the 30th day of August, 1854; that on the 24th day of January, 185–, a notice was filed with the

36 clerk of this hon'l court of the intention of claimant to prosecute the appeal.

Your petitioner would further represent that their said claim to the lands in question in this case, as seen from the transcript heretofore referred to, is good and valid, and that the decision of the said land commission ought to be reversed, and their title declared to be good and valid.

Wherefore your petitioners respectfully pray this hon'l court to review the decision of the said land commissioners, and to decide upon the validity of their said claim, and to confirm the same to

them, and for such further and other relief as in law and equity they may be entitled to; and will ever pray.

HENRY HANCOCK,
Of Counsel.

Filed this 19th February, 1857.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'ty.*

Summons.

UNITED STATES OF AMERICA,
Southern District of California, ss:

The President of the United States to P. Ord, U. S. att'y, greeting:

Take notice that a petition, a copy of which is herewith served upon you, has been filed against the United States in the district court of the United States in and for the southern district of California, on the 19th day of February, in the year of our Lord one thousand
37 eight hundred and fifty-seven, at the city and county of Los Angeles, in said district, by Maria Antonia Apis *et al.*, praying said court to review the decision of the board of land commissioners of the 15th November, 1853, rejecting her claim to the land called Temecula, and that you, and each of you, are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or that judgment, by default, will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof, I have hereunto set my hand and affixed the [SEAL] seal of the said court this 20th day of February, in the year of our Lord one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

C. SIMS, *Clerk*,
p. J. H. COLEMAN, *Dep'ty.*

I served this summons, along with the proper copy of the petition, upon P. Ord, esq., by delivering to him, personally, a true copy of the same at Los Angeles, in the southern district of California, on the 20th day of February, A. D. 1859.

EDWARD HUNTER,
U. S. Marshal,
p. M. S. GOODMAN, *Dep'ty.*

Sworn to and subscribed before me this 20th Feb'y, 1857.

C. SIMS, *Clerk*,
p. J. H. COLEMAN, *Dep'ty.*

Filed on return this 20th Feb'y, 1857.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'ty.*

38 *Answer of United States.*

In the district court of the United States for the southern district of California.—Hon'l Isaac S. K. Ogier, judge.

PABLO APIS and MARIA ANTONIA APIS *et al.*, substituted, appellants, *vs.* THE UNITED STATES, appellee. } No. 55.—Trans. No. 435.

The answer of P. Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, to the petition for review of Maria Antonia Apis and others, heirs-at-law of Pablo Apis, deceased, denies generally all and singular the allegations in said petition; and further, it is denied generally that the alleged title of the claimant is valid, and respondent prays that the court will affirm the decision of the board of land commissioners, and decree the said alleged title to be invalid, and general relief.

P. ORD,
Att'y of U. States.

Filed this 21st February, 1857.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'ty.*

39 *Deposition of Anto. F. Coronel.*

PABLO APIS, appellee, *ads.* THE U. STATES, appellants. } Case No. 55.—"Temecula."

Deposition of Antonio F. Coronel, taken before C. Sims, United States commissioner for the district of California, at the United States court-house in the city of Los Angeles, on Thursday, the 19th day of February, A. D. 1857, at 1 o'clock p. m., on said day, on behalf of the appellants, by the agreement of the att'y, to be used as testimony in a certain cause now pending in the U. S. dist. court, and for the southern dist. of California, being case No. 55 on the docket of said court, wherein the U. States are appellants and Pablo Apis is appellee.

Present: P. Ord, U. S. dist. att'y, in behalf of the appellants, and H. Hancock in behalf of appellee.

Questions by att'y of appellee.

Quest. What is your name, age, and place of residence?

Ans. My name is Anto. F. Coronel; I am 39 years of age; and have resided in Los Angeles county since the year 1838, and reside here now.

Quest. Do you know the claimant Pablo Apis in this case?

Ans. I knew him; I heard that he is dead, and also his son, whose name was also Pablo Apis.

Quest. State when they died.

Ans. I do not recollect.

Quest. State what children Pablo Apis the elder had.

Ans. I only knew one, whose name was Pablo Apis, who is now dead, as I before stated.

40 Quest. Do you know the children of Pablo Apis the second?

Ans. I know he had children, but I never knew but one of them, whose name is Maria Antonia Apis.

Quest. Do you know the land claimed in this case? and if so, state what you know concerning its location.

Ans. I know the land, but do not the quantity or the lines with the exception of one. I know the locality of the land, but am not particularly acquainted with it; it bounds the rancho of Temecula on the east, little more or less, and is in the same cañada.

Quest. State in what manner you gained your knowledge of the rancho of Pablo Apis.

Ans. I went as an attorney on the part of Don Luis Vigne, to receive possession of his rancho called "Temecula," and in accordance with the custom, the judge, Arguello, cited Pablo Apis, as an adjoining claimant, to appear and show his line. He justified his line to my satisfaction and to that of the judge who was giving possession, and we respected it in the act. We followed on Pablo Apis's line in measuring the lands of Luis Vigne called Temecula.

Quest. In the document of possession of the tract of the Temecula, it is recited that in following along the line of Pablo Apis, a turn was made to the point of beginning; please state in what manner that turn was taken.

(Excepted to in form and substance by U. S. dist. att'y.)

41 Ans. According to my recollection, which is not perfect, it being some ago, we followed along the line of Pablo Apis until it made a turn on his line to the place of beginning. In respecting the lines of Pablo Apis, went into the lands of Temecula.

Cross-examined by U. States dist. att'y.

Quest. Where does Maria Antonia Apis now live?

Ans. I do not know.

Quest. Where did she live when you last saw her?

Ans. I do not know her personally, but as I was passing a long time ago the ranchos of "Chino" and Temecula, a woman was pointed out to me as Maria Anta. Apis, the daughter of Pablo Apis the second. I cannot recollect the year in which I saw her.

A. F. CORONEL.

Sworn and sub'd to before me this 19th day of Feb'y, 1857.

C. SIMS,
U. S. Com'r.

I, C. Sims, of the city and county of Los Angeles, and State of California, commissioner to take affidavits and bail in civil case pending in the courts of the United States and depositions under the acts of

Congress approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of clerk of the United States court of the southern district of California, and by special appointment by the United States circuit court for the State and circuit of California, do hereby certify that the foregoing deposition of Antonio F. Coronel was taken before me on the 19 day of February, A. D. 1857, according to the agreement of the said at-
42 torneys, at the United States district court-house in the city of Los Angeles, and State of California, in behalf of the appellant; that the said Anto. F. Coronel was by me duly sworn, according to law, as a witness in said cause in the caption of this deposition mentioned, and after being so sworn, his testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private seal (having no seal of office) this 19 day of February, A. D. 1857.

[SEAL.]

C. SIMS,
United States Commissioner.

Filed this 19th Feb'y, 1857.

C. SIMS, *Clerk.*

43 *Deposition of Juan Ramirez.*

MA. ANTONIO APIS *et al.*, heirs at law of the dec'd, Pablo Apis, app'l'ts,
vs.
THE UNITED STATES.
} Case No. 55.

Deposition of Juan Ramirez, taken before C. Sims, United States commissioner for the district of California, at the United States court-house in the city of Los Angeles, on 21st day of February, A. D. 1857, at 10 o'clock a. m. on said day, on behalf of the claimants, by the consent of parties, to be used as a testimony in a certain cause now pending in the U. S. district court for southern district of California, being case No. 55 on the docket of said court, wherein M. A. Apis *et al.* are appellants, and the United States are appellees.

Present: P. Ord, esq., attorney in behalf of the appellants, and H. Hancock, esq., in behalf of appellees.

Questions by U. S. dist. att'y.

On your V. D., have you any interest in this case?

Answer. I have none.

Question. What is your name, age, and place of residence?

Ans. My name is Juan Ramirez; my age is 46 years, and I reside in Los Angeles county.

Quest. Have you any knowledge of the land claimed in this case? and if so, please state what you know of its locality.

Answer. I know it. It is in the valley of Temecula, in San Diego county.

44 Question. Do you know whether the lands have ever been marked out and the lines established?

Ans. Yes; at the time the alcalde of San Diego gave possession to Don Luis Vignes of the rancho of Temecula, I was present, and the lines of Pablo Apis were first marked out, in order that the possession might be given of the lands of Don Luis Vignes, respecting at the same time the lands which had previously been given to Pablo Apis.

Quest. Could you now go and show to a surveyor the lands that were then called the lands of Pablo Apis?

Answer. I know them well.

Question Do you know all the corners of the land claimed in this case?

Answer. I could them in the night.

Question. Did you know the grantee, Pablo Apis, in this case? and if so, state whether you know if he is now living or not.

Answer. I did know him, but he is now dead, and is dead about 6 or 7 years, and had a son named Pabita, who is also dead about 5 years.

Quest. State what you know of the family of Pablo Apis Viejo, and how many there were in the family.

Answer. I knew Pablito to be a son of Pablo Apis Viejo, and I have known a daughter whose name was Maria Antonia, or Ma. Jesus, I cannot exactly recollect.

his
JUAN + RAMIREZ.
mark.

45 I, C. Sims, of the city and county of Los Angeles, and State of California, commissioner to take affidavits and bail in civil case pending in the courts of the United States, and depositions, under the acts of Congress approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of clerk of the United States court of the southern district of California, and by special appointment by the United States circuit court for the State and circuit of California, do hereby certify that the foregoing deposition of Juan Ramirez was taken before me on the 21 day of February, A. D. 1857, according to the consent and agreement of the said parties, at the United States district court-house, in the city of Los Angeles and State of California, in behalf of the claimants; that the said Juan Ramirez was by me duly sworn, according to law, as a witness in said cause in the caption of this deposition mentioned, and after being so sworn his testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

[SEAL.] In witness whereof, I hereunto set my hand and private seal (having no seal of office) this 21st day of February, 1857.

C. SIMS,
United States Commissioner.

Filed 21st February, 1857.

C. SIMS, *Cl'k,*
p. J. H. COLEMAN, *Dep'ty.*

46

47 *Exhibit "P," annexed to depo. of Ygno. del Valle.*

En el Presidio de San Diego a los treinta de un dias del mes de Mayo del año mil ochocientos cuarenta y cinco ante mi José R. Arguello, alcalde segundo constitutional de este referido punto y su demarcacion. En virtud de la solicitud verbal echa por el C. Anto. Coronel apoderado del Sor Dn. Luis Vignes en representacion del Sor. Feliz Valdez y una orden de veinte y tres del presente del Exmo. Sor. Gobernador de este departamento para efecto de poner en posecion juridica del parage de Temecula al Sor. Don Feliz Valdez y en cumplimto., de la espuesto y del titulo que presente con fecha del catorce de Diciembre del año de mil ochocientos cuarenta y cuatro, pase por me y testigos de asistencia al mencionado parage y pongase la segura posesion de el al espresado Sor. Valdez, asi yo el juez que subscribe decrete mande y firme con los de mi asistencia segun derecho.

JOSE R. ARGUELLO.

Asistencia: JUAN MA. MARRON.
Asistencia: JANNARIA ABILA.

Estando en el parage de Temecula a las tres dias del mes de Junio del mismo año y en cumplimiento del anterior decreto a efecto de verificar las medidas y posecion del ya mencionado parage despues nombrar dos oficiales cordeleros los que por no saber escriber se omiten sus nombres, a las cuales les tomé juramto. respectivo bajo el cual ofrecieron desene peñar fiel y le legalmente su encargo previas las formalidades de ley lo que asiento por diligencia que autorize y firme con los testigos de mi asistencia segun derecho.

JOSE R. ARGUELLO.

Asistencia: JUAN MA. MARRON.
Asistencia: JANNARIA ABILA.

En el mismo dia mes y año estando en el parage ya indicado al efecto de verificar las medidas de posesion de Don Feliz Valdez
48 y con arreglo al titulo de este sor, previa todos los requisitos de estilo y estando ante mi los testigos de asistencia y oficiales cordeleros ese médir un cordel que tenia cien varas y los estremos unas sancos de madera previa observacion, y calculo por mi disposicion paradas en la esquina de la huerta del Indio Francisco à la parte del O. con el lindero de Dn. Vicente Moraga quien estando presente espreso pertenecerle un pedazo del terreno que se media y examinado el titulo que en el acto presento se observo no pertenecerle por cuyo motivo se tiro el cordel rumbo, N., y se midieron y contaron veinte mil quincientos varas que remataron en la falda de la Sierrita de San Miguelito lindero del Sor. Don José Ant. Estudillo donde se mando el interesado pusiese su mojonera, de este punto se tiro el cordel rumbo E., y se midieron y contaron dos mil quincientos varas que remataron en la mojonera del Don *Don* Julian Mariquez, en el mismo Sierrito del San Miguelito lindero del espresado Estudillo; de este punto con direccion al rumbo N. E. se tiro el cordel por todo el lindero de Dn. Julian Manriquez y se midieron y contaron veinte y cinco y mil veras, que remataron ariba de la sierra donde se marco

por mojonera un pecacho de d'ha sierra, de este sitio se tiro el cordel rumbo O., y se midieron y contaron dies y siete mil quincientos varas que remataron en un morro que esta del otro lado del camino real que sale de Temecula para San Luis y forma cabesera del potrero a la parte del E., de este lugar se tiro el cordel rumbo N., y se midieron y contaron cinco mil varas y remataron en la punta de la mismo cañada, de este punto con direccion al E., se midieron cuatrocientos varas que remataron en el lindero del Indio Pablo Apis que
49 se marco por mohonera un picacho que esta arriba del ese presado lindero, de aqui se tiro el cordel rumbo N., por todo el lindero del Indio Pablo Apis el Viejo, y fue dando vuelta hasta donde comenzamos las medidas y se contaron cinco mil varas que remataron en la esquina donde se diò principio a las medidas ; en cuyo lugar se le ordeno al interesado pusiese su correspondiente mojonera, y se le dijo quedaba en segura y pacifica posecion pa. que disfrutara libre y francamente del enunciado paraje segun la concesion de la superioridad dandose por concluido el acto que autorize y firme con los de mi asistencia segun derecho.

JOSE R. ARGUELLO.

Asistencia: JUAN MA. MARRON.
Asistencia: JANNARIO ABILA.

I, C. Sims, clerk of the United States district court for the southern district of California, do hereby certify that the foregoing and preceding pages, marked page 1, page 2, and page 3, on these two sheets of paper, is a correct, true, and exact copy, taken from pages 46 to commencement of page 49, all inclusive, of transcript No. 119, on the docket of this court, and now on file in my office.

In witness whereof, I hereunto set my hand and affix the
[SEAL.] seal of said court this 21st day of February, 1857.

C. SIMS, *Cl'k.*

50 *Translation of Exhibit "P."*

In San Diego, on the 21st day of May, A. D. 1845, before me, José R. Arguello, second alcalde of the before-mentioned town and adjoining country, in consequence of a verbal request made by Antonio Coronel, lawful agent of Luis Vignes, who represents Feliz Valdez, and of an order from the governor of this department, of the 23d inst., for the purpose of placing Feliz Valdez in juridical possession of the tract of land "Temecula," and in compliance with the aforesaid and the "title" produced, bearing date Dec. 14th, A. D. 1844, I proceeded, together with assisting witnesses, to the said "tract," and put it in the safe possession of the said Valdez. Thus I, the subscribing judge, ordered and decreed and signed with my assisting witnesses.

JOSE R. ARGUELLO.

Witnesses: JUAN MA. MARRON.
JANNARIO ABILA.

Being upon the tract of Temecula on the 3d day of June of the aforesaid year, and in accordance with the aforesaid decree to fullfil the measurement and possession of the aforesaid tract, I caused to be appointed two cord-bearers, who, unable to write their names, are omitted, who, having been duly sworn, promised to faithfully and legally perform their duties in accordance to law, which I extend as an act which I authorize and sign, with my assisting witnesses, according to law.

JOSÉ R. ARGUELLO.

Witnesses: JUAN MA. MARRON.
JANNARIO AVILA

On the same day, month, and year, being upon the aforesaid tract, for the purpose of carrying out the measurement of possession to Feliz Valdez, agreeably to the title of the aforesaid, the required forms and usages having proceeded, and being present the assisting witnesses and chainmen, I caused to be measured a cord of one hundred varas,
51 to the ends of which were affixed wooden stakes, first observation and calculation by my orders having been made, and standing at the corner of the orchard of the Indian Francisco, to the western part, with the line of Vicente Moraga, who, being present, alleged that a piece of the land being measured belonged to him; and having examined the title which was then produced, it appeared not to belong to him, from which motive the cord was cast north, and there was measured and counted 20,500 varas, which terminated at the hillside of the small mountain of San Miguelito, boundary line of José Anto. Estudillo, where was ordered that the interested party should place his monument. From this point the cord was cast, direction east, and there were measured and counted 2,500 varas, which terminated at the measurement of Julian Mauriquez, at the same mountain of San Miguelito, boundary of the aforesaid Estudello. From this point, with direction on a northeast line, the cord was cast, all along the boundary line of Julian Mauriquez, and there was measured and counted 25,000 varas, which terminated upon the mountain, where was designated as a monument a peak of said mountain. From this point the cord was cast on a west line, and there was measured and counted 17,500 varas, which terminated at a round hill which is on the other side of the highway (main road) which leads from Temecula to San Luis, and makes the head of the Potrero to the part of the east. From this point the cord was stretched, direction north, and there was measured and counted five thousand (5,000) varas, and terminated in the point of the same ravine. From this point to the east there was measured four hundred varas, which
52 terminated on the boundary line of the Indian Pablo Apis, which was designated as boundary; monument, a peak which is above the said boundary line. From here the cord was cast to the north, all along the boundary line of the old Indian Pablo Apis, and went, making a turn to the orchard where we commenced the measurement, and there was counted 5,000 varas, which closed on the corner where was begun the measurement, in which place the person in interest was commanded to place a proper monument. And I said to him, re-

main in safe and peaceable possession, that he should freely and fully enjoy the same said tract, agreeably to the grant from higher authority; by this finishing the act, which I authorize and sign with my assistants, according to law.

JOSE R. ARGUELLO.

Witnesses: JUAN MA. MARRON.
JANNARIO ABILA.

Filed this 21st February, 1857.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dept'y*.

Decree.

53 In the United States district court for the southern district of California, December term, 1856, before Hon. Isaac S. K. Ogier, judge.

MARIA ANTONIA APIS *et al.*, heirs-at-law of PABLO APIS, d'c'd, appellants, *ads.* THE UNITED STATES, appellees. } Doc. No. 55. Trans. No. 435.

This case coming on to be heard at a regular term of this honorable court, on an appeal from a decision of the United States land commissioners for ascertaining and settling private land claims in the State of California, appointed under an act of Congress approved on the 3d of March, 1851, upon the transcript of the proceedings, decision, papers, and evidence upon which said decision was founded; and it appearing that the said transcript was duly filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed that the decision of the said commissioners be reversed; that the claim of the said appellants, Maria Antonia Apis *et al.*, heirs-at-law of Pablo Apis, deceased, in a good and valid claim; that their title to the land situated in the valley of Temecula, county of San Diego, to the extent and quantity specified in the original grant of date May 7th, 1845, reference therein being made to a previous grant of 1840, is a good and valid title, and the land hereby confirmed, and is described as recited in said grant of 1845, to wit: one
54 league in breadth, and one-half of a league in width, together with the planting ground occupied by said grantee at the date of the grant last named.

ISAAC S. K. OGIER,
U. S. Dist. Judge.

Filed Feb'y 23d, 1857.

C. SIMS, *Cl'k.*

55 *Appeal to Supreme Court.*

United States district court, southern district Cal'a, regular December term, 1856.

MA. ANT'A APIS *et al.*, heirs-at-law of PABLO APIS, d'c'd, appellants,
vs.
THE UNITED STATES, appellees.
} No. 55.

FEBRUARY 24TH, A. D. 1857.

On motion of P. Ord, U. S. dist. att'y, it is ordered that an appeal be allowed the United States in this case.

OFFICE OF THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

I, John O. Wheeler, clerk of the United States district court for the southern district of California, hereby certify the above and foregoing fifty-five pages, numbered from 1 to 55, both inclusive, to contain a full, true, and correct transcript of the record of the proceedings and of the decision of the said court, of the documentary evidence and of the testimony of the witnesses upon which said decision was founded, on file in my office in case No. 55 on the docket of said court, wherein Pablo Apis is the claimant against the United States for the place called "Temecula."

In witness whereof, I have hereunto signed my name and affixed the seal of said court, at Monterey, Cal'a, this the twenty-six day of June, A. D. 1862.

[SEAL.]

JOHN O. WHEELER, *Clerk.*

Filed October 21, 1862.